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Laws and Ordinances

**OF
WARRE,**

Established for the better Conduct of the Army,

**BY
HIS EXCELLENCY**

The Earl of ESSEX,

Lord Generall

Of the Forces raised by the Authority of the

PARLIAMENT,

**For the defence of the KING
and KINGDOM.**

Together with A

DECLARATION

Of the LORDS and COMMONS

in PARLIAMENT,

**Concerning the regulating of great Inconveniences in
HIS EXCELLENCIES Army.**

LONDON,

Printed for John Partridge, and John Roberts,

May 13. 1643.



ROBERT,

Earl of ESSEX, Viscount HARFORD, Lord FERRERS
of Charlely, Bourchier, and Louvain :

Captain Generall
Of the Army raised by the Authority

OF
PARLIAMENT,

for the defence of the KING and
KINGDOM:

TO all the Officers of the Army, Colonells, Lieutenant-
Colonells, Serjeant-Majors, Captains, other Officers and
Souldiers of Horse and Foot, and all others whom these Laws
and Ordinances shall concerne,

Which Laws and Ordinances hereby published, all
the said persons respectively and severally are re-
quired and commanded to observe and keep on the Pains
and Penalties therein expressed.

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Mar 12. 1937

Laws

Laws and Ordinances of Warre.

Of Duties to God.

I. **I**rst, Let no man presume to blaspheme the holy and blessed Trinity, God the Father, God the Son, and God the holy Ghost; nor the known Articles of our Christian Faith, upon pain to have his tongue bored with a red-hot Iron.

II. Unlawfull Oaths and Execrations, and scandalous acts in derogation of Gods Honour, shall be punished with losse of Pay, and other punishment at discretion.

III. All those who often and wilfully absent themselves from Sermons, and publike Prayer, shall be proceeded against at discretion: And all such who shall violate Places of publike Worship, shall undergo severe Censure.

Of Duties in generall.

I. **A**ll such as shall practice and entertain Intelligence with the Enemy, by any manner of means or flights, or have any communication with them, without direction from my Lord Generall, shall be punished as Traitors and Rebels.

II. No man shall relieve the Enemy with Money, Victualls, Ammunition; neither harbour or receive any such, upon pain of death.

III. Whosoever yeeldeth up any Town, Fort, Magazine, Victualls, Arms, Ammunition, or that motioneth any such thing, but upon extremity, and that to the Governour, or in Councell, shall be executed as a Traitor.

Blasphemy.

Cursing.

Neglecting
Divine Wor-
ship.

Intelligence
with the E-
nemy.

Relief of the
Enemy.

Yielding up
of Forts.

Laws and Ordinances

Carelesse
Service.

Violating of
a Safe-guard.

IV. Whosoever shall be convicted to do his Duty negligently and carelesly, shall be punished at discretion.

V. Whosoever shall presume to violate a Safe-guard, shall die without mercy.

Of Duties toward Superiours and Commanders.

Violating of
the Lord-Ge-
nerall.

I. **W**Hosoever shall use any words tending to the death of the Lord-Generall, shall be punished with death.

Quarrelling
with Officers

II. No man shall presume to quarrell with his superiour Officer, upon pain of Cashiering, and arbitrary punishment; nor to strike any such, upon pain of death.

Departing
from Cap-
tains and
Masters.
Silence in the
Army.

III. No Souldier shall depart from his Captain, nor Servant from his Master, without license, though he serve still in the Army, upon pain of death.

IV. Every private man and Souldier, upon pain of Imprisonment, shall keep silence when the Armie is to take lodging, or when it is marching, or in battallio, so as the Officers may be heard, and their Commandments executed.

Resisting a-
gainst Corre-
ction.

V. No man shall resist, draw, lift, or offer to draw or lift his weapon against any Officer correcting him orderly for his defence, upon pain of death.

Unlawfull
Assemblies.

VI. No person shall make any mutenous assemblies, or be present or assisting thereunto, or in, or by them demand their pay, upon pain of death.

Resisting of
the Provost-
Marshall.

VII. No man shall resist the Provost-Marshall, or any other Officer, in the execution of his Office, or break prison, upon pain of death.

Seditious
words.

VIII. None shall utter any words of sedition and uprore, or muteny, upon pain of death.

Concealing
mutenous
speeches,

IX. A heavy punishment shall be inflicted upon them who after they have heard mutenous speeches, acquaint not their Commanders with them.

X. Whoso-

Of Warre.

X. Whoſoever ſhall receive an injury, and ſhall take ^{Receiving of} his own ſatisfaction, ſhall be puniſhed by Imprisonment, ^{Injuries.} and as it ſhall be thought fit by the Marshall-Court : But he that is injured ſhall be bound, if he do not forgive the injury, to ſeek reparation by complaint to his Captain, or Colonell, or other ſuperiour Officer, and it ſhall be given him in ample manner.

Of Duties morall.

I. **D**runkenneſſe in an Officer, ſhall be puniſhed with ^{Drunkennes.} loſſe of place; in a common Souldier, with ſuch penalties as a Court-Marſhall ſhall think fit.

II. Rapes, Ravishments, unnaturall abuſes, ſhall be ^{Vnnaturall} puniſhed with death. ^{abuſes.}

III. Adultery, Fornication, and other diſſolute laſciviousneſſe, ſhall be puniſhed with diſcretion, according to ^{Adultery.} the quality of the offence.

IV. Theft and Robberie, exceeding the value of ^{Theft.} twelve pence, ſhall be puniſhed with death.

V. No man ſhall uſe reproachfull nor provoking words ^{Provocation.} or acts to any, upon pain of Imprisonment, and further puniſhment; as ſhall be thought fit to be inflicted upon enemies to diſcipline and ſervice.

VI. No man ſhall take or ſpoil the goods of him ^{Seizing upon} that dieth, or is killed in Service, upon pain of reſtoring ^{dead mens} double the value, and arbitrary puniſhment. ^{goods.}

VII. Murther ſhall be expiated with the death of the ^{Murther.} murtherer.

Of a Souldiers Duty touching his Arms.

I. **A**ll Souldiers coming to their Colours to watch, ^{Fall Armour} or to be exerciſed, ſhall come fully armed, upon pain of ſevere correction.

II. None ſhall preſume to appear with their Arms ^{Slovenly} unfixt, or undecently kept, upon pain of arbitrary correction. ^{Armour.}

III. If

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Loosing of
Horses and
Arms.

III. If a Trooper shall lose his horse or hackney, or a Foot-man any part of his Arms, by negligence or lewdnesse, by dice or cards, he or they shall remain in qualitie of Pioners and Scavengers, till they be furnished with as good as were lost, at their own charge.

Pawning or
selling of Ar-
mour.

IV. No Souldier shall give to pawn, or sell his Armour, upon pain of imprisonment, and punishment at discretion; and wheresoever any Armour shall be found so sold or pawned, they shall be brought again into the Armie.

Willfull spoil-
ing of horses.

V. If a Trooper shall spoil his horse willingly, of purpose to be rid of the Service, he shall lose his horse, and remain in the Camp for a Pioner.

Borrowed
Arms.

VI. If one borrows Arms of another to passe the Muster withall, the borrower shall be rigorously punished, and the lender shall forfeit his goods.

Imbezelling
of Ammunition.

VII. None shall presume to spoil, sell, or carry away any Ammunition delivered unto him, upon pain of death.

Of Duty in marching.

Waste and
extortion.

I. **N**One in their march thorow the Countries shall waste, spoil, or extort any Victualls, Money, or pawn, from any subject, upon any pretence of want whatsoever, upon pain of death.

Taking of
horses out of
the Plow.

II. No Souldier shall presume, upon no occasion whatsoever, to take a horse out of the Plow, or to wrong the husbandmen in their persons, or cattell, or goods, upon pain of death.

Stragling
from the Co-
lours.

III. No Souldiers, either Horse or Foot, shall presume in marching to straggle from his Troop or Company, or to march out of his rank, upon pain of death.

Spoiling of
trees.

IV. No Souldier shall presume, in marching or lodging, to cut down any fruit-trees, or to deface or spoil Walks of trees, upon pain of severe punishment.

Of Warre.

Of Duties in the Camp and Garrison.

- I. **N**O man shall depart a mile out of the Armie or Camp without license, upon pain of death. Swerving from the Camp.
- II. No man shall enter, or go out of the Army, but by ordinary wayes, upon pain of death. Going in or out by ways.
- III. No man shall presume to draw his sword without order, after the Watch is set upon pain of death. Drawing of swords after setting the Watch.
- IV. No man shall give a false Alarm, or discharge a piece in the night, or make any noise without lawfull cause, upon pain of death. Giving a false Alarm.
- V. No man shall draw any sword in a private quarrell within the Camp, upon pain of death. Drawing swords in a quarrell.
- VI. He that makes known the Watch word without order, or gives any other word but what is given by the Officers, shall die for it. Revealing the Watch word.
- VII. No man shall do violence to any that brings Victuals to the Camp, upon pain of death. Offering violence to Victuallers.
- VIII. None shall speak with a Drum or Trumpet, or any other sent by the Enemy, without order, upon pain of punishment at discretion. Speaking with the Enemies Messengers.
- IX. A Sentinell or Perdue found asleep, or drunk, or forsaking their place before they be drawn off, shall die for the offence, without mercy. A Sentinell asleep, or drunk.
- X. No man shall fail wilfully to come to the Rendezvous or Garrison appointed him by the Lord Generall, upon pain of death. Failing at the Rendezvous.
- XI. No man that carrieth Arms, and pretends to be a souldier, shall remain three dayes in the Army without being inrolled in some Company, upon pain of death. Remaining unrolled in the Army.
- XII. No man that is enrolled, shall depart from the Army or Garrison or from his Colours, without License, upon pain of death. Departing without leave.
- XIII. No private Souldier shall out-stay his Passe without a certificate of the occasion, under the hand of a Magi- Out-staying a Passe.

Of Warre.

Magistrate at the next Muster, upon pain of losing his pay, during all the time of his absence.

Absenting
from the
Watch.

XIV. He that absents himself when the sign is given to set the Watch, shall be punished at discretion, either with bread and water in prison, or with the wodden horse.

Discontented
with their
Quarters.

XV. Whosoever shall expresse his discontent with his Quarter given him in the Camp, or Garrison, shall be punished as a Muteneer.

Lying or sup-
ping out of
the Quarters.

XVI. No Officer, of what quality soever, shall go out of the Quarter to dinner or supper, or lie out all night, without making his superiour Officer acquainted, upon pain of cashiering.

Keeping of
the Quarters
clean.

XVII. All Officers whose charge it is, shall see the Quarters kept clean and sweet, upon pain of severe punishment.

Letting of
Horses feed
in sown
grounds.

XVIII. None shall presume to let their horses feed in sown grounds whatsoever, or to endamage the husbandmen any way, upon severest punishment.

Of Duties in Action.

Repairing to
the Colours
upon an Ala-
rum.

I. NO man shall fail immediately to repair unto his Colours (except upon evident necessity) when an Alarm is given, upon pain of death.

Flying.

II. No man shall abandon his Colours, or flee away in Battell, upon pain of death.

Flinging away
Arms.

III. If a Pike-men throw away his Pike, or a Muskettier his Musket or Bandilier, he or they shall be punished with death.

Burning and
wasting.

IV. No man shall burn any house or Barn, be it of friend or fo, or wilfully spoil any Corn, Hay, or Straw, or Stacks in the fields, or any Sheep, Boat, Carriage, or any thing that may serve for the provision of the Army, without order, upon pain of death.

V. None

Of Warre.

V. None shall kill an enemy who yeelds, and throws down his Arms.

Killing an Enemy who yeelds.

VI. None shall save a man that hath his offensive Arms in his hands, upon pain of losing his prisoner.

Saving of men armed with offensive Arms. Flinging away Powder.

VII. Whosoever in skirmish shall fling away his Powder out of his Bandoliers, that he may the sooner come off, shall be punished with death.

VIII. No Souldier shall imbezell any part of the prey, till it be disposed of by the Lord Generall, or others authorized, upon pain of death.

Imbezelling of the prey.

IX. No Officer or Souldier shall ransom, or conceal a Prisoner, but within twelve houres, shall make the same known to the Lord Generall, or others authorized, upon pain of death.

Concealing of Prisoners.

X. No man upon any good successe, shall fall a pillaging before licence, or a sign given, upon pain of death.

Pillaging without licence.

XI. A Regiment, or Company of Horse or Foot, that chargeth the Enemy, and retreats before they come to handy-strokes, shall answer it before a Councell of War, and if the fault be found in the Officers, they shall be banished the Camp, if in the Souldiers, then every tenth man shall be punished at discretion, and the rest serve for Pioners and Scavengers, till a worthy exploit take off that Blot.

Retreating before handy-blows.

Of the duties of Commanders and Officers in particular.

I. **A**LL Commanders are straightly charged to see Almighty God reverently served, and Sermons and Prayers duly frequented.

Commanders must see God duly served.

II. All Commanders and Officers that find any of discontented humors, apt to mutinize, or any swerving from direction given, or from the policy of the Army set down, shall straight way acquaint the Lord Generall

Commanders must acquaint my Lord Generall with dangerous humors.

there-

Laws and Ordinances

therewith, or others authorized, as they will answer their neglect.

Defaulding
of Souldiers
pay.

II. Any Officers that shall presume to defraud the Souldiers of their pay, or any part of it, shall be cashiered.

Stopping of
Duellers.

III. No Corporall, or other Officer commanding the Watch, shall willingly suffer a Souldier to go forth to a Duell, or private Fight, upon pain of death.

Drunken and
quarrellsome
Officers.

V. What Officer soever shall come drunk to his Guard, or shall quarrell in the Quarter, or commit any disorder, shall be cashiered without mercy, and the next Officer under him shall have his place, which he may pretend to be his right, and it shall not be refused to him.

Carelesse
Captains.

VI. A Captain that is carelesse in the training and governing of his Company, shall be displaced of his charge.

Officers
out-staying
their passe.

VII. All Captains or Officers that shall out-stay their Passe, shall be punished at the Lord Generalls discretion.

All Officers
bound to
part quarrels.

VIII. All Officers, of what condition soever, shall have power to part quarrels and frays, or sudden disorders betwixt the Souldiers, though it be in any other Regiment or Company, and to commit the disordered to prison for the present, untill such Officers as they belong unto are acquainted with it: And what Souldier soever shall resist, disobey, or draw his Sword against such an Officer (although he be no Officer of his Regiment or Company) shall be punished with death.

Officers
non-resident
in Garrison.

IX. A Captain or Officer non-resident in the place assigned him for Garrison, without license, shall have one months pay defaulted for the first offence, and two months for the second: upon the third offence he shall be discharged of his Command.

Cashiering of
Souldiers.

X. After the Army is come to the general Rendezvous,

no Captain shall cashier any Souldier that is entolled, without speciall Warrant of the Lord Generall.

XI. No Captain of a Troop shall present in Musters any but reall Troopers, such as are bound by their pay to follow the Troops, upon pain of cashiering without mercy. And if any Victualler, Fee-Booter, Enterloper, or Souldier whatsoever, of any Troop or Company, shall present himself or his horse in the Muster, to mislead the Muster-Master, and to betray the service, the same shall be punished with death.

Mustering of false and counterfeit Troops.

XII. No Provider, Keeper, or Officer of Victuall or Ammunition, shall imbezell or spoil any part thereof, or give any false account to the Lord Generall, upon pain of death.

Commissaries of victuals & Ammunition must be true.

Of the Duty of Muster-Masters.

I. NO Muster-Master must wittingly let any passe in the Musters, but such as are really of the Troop or Company presented, upon pain of death.

Muster-Masters conniving at counterfeiters.

II. All Captains shall cause their Troops or Companies to be full and compleat; and two dayes after the Generall Mustering, they shall send to the Lord Generall a perfect List or Roll of all their Officers of their Troops and Companies, and likewise of all the Troopers and Souldiers that are in actuall Service, putting down distinctly on the head of each man his monthly pay.

Captains must send a Roll of their men to the Lord Generall.

III. The like Roll or List shall the Captains send to the Lord Generall, and to the Treasurer of the Armie upon every pay-day during the Service, with an actuall expression at the bottom of the said Roll, how many new Troopers or Souldiers have been enrolled.

Every pay-day.

Laws and Ordinances

since the last Pay-day, in lieu of such as are either deceased or cashiered; and likewise the day whereon they were so cashiered and entertained.

Subscribed by
all the officers
of the Troop
or Company.

IV. Which said List or Rowl shall be subscribed not onely by the Captain and his Lieutenant and Cornet or Ensign, but also by the Serjeants and Corporals respectively, who shall declare upon their Oaths, That the Troopers and Souldiers and enrolled in the said List are really and actual Troopers and Souldiers of the respective Troops and Companies. And whosoever shall be convicted of falshood in any of the premises, shall be cashiered.

Muster-Masters must use
no other Rols

V. No Muster-master shall presume to receive or accept of any Rowl to make the Musters by, but the fore-mentioned Rowls, upon pain of the losse of his place, and other punishment at discretion.

Counterfeit
names in the
Rols.

VI. No man shall presume to present himself to the Muster, or to be inrolled in the Muster-Rols by a counterfeit name, or surname, or place of birth, upon pain of death.

of Victuallers.

of Victuallers.

Victuallers if
they haue any
Victualls.

I. NO Victuallers shall presume to issue or sell unto any of the Army, unsound, unfavoury, or unwholsome Victualls, upon pain of imprisonment, and further arbitrary punishment.

No souldier
must be a Vi-
ctualler.

II. No Souldier shall be a Victualler without the consent of the Lord Generall, or others authorized, upon pain of punishment at discretion.

Unlawful
to entertain

III. No Victualler shall entertain any Souldiers in his House, Tent, or Hutt, after the Warning-piece at the beating of the Ravalee in the

IV. No

Of Warre.

IV. No Victualler shall forestall any Victuals, nor sell them before they be appraised by the Marshall Generall, upon severe punishment.

Of administration of Justice.

I. **A**Ll controversies between Souldiers and their Captains, and all others, shall be summarily heard and determined by the Counsell of War, except the weightiness of the cause require further deliberation. Summary proceedings.

II. No Provost-Marshall shall refuse to keep a Prisoner committed to his charge, nor dismisse him, being once received, upon pain of being liable to the same punishment which should have been inflicted upon the party dismissed. The Provost-Marshall must look to his prisoners.

III. The goods of such as die in the Army or Garrison, or be slain in the Service, if they make any Will by word or writing, shall be disposed of according to their Will. If they make no Will, then shall go to their wives, or next kin. If no wife or kindred appear within a year after, shall be disposed of by the appointment of the Lord Generall, according to the Laws Civill and Military. Goods of the dead.

IV. No Magistrate of Town or Countrey, shall without License imprison any Souldier, unlesse for capital offences. Civill Magistrates imprisoning Souldiers.

V. In matters of debts or trespasses, or other inferiour cases, the Magistrate shall acquaint his Captain, or other chief Officer therewith, who is to end the matter with the consent of the complainant, or to leave the party grieved to take his remedy by due course of Law. And if the Officer fail of his duty therein, the Lord Generall upon complaint of the party grieved, will not only see him righted, but the Officer punished for his neglect in this behalf. For debts and other small offences.

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Braving the
Court of Ju-
stice.

V I. No man shall presume to use any braving or me-
nacing words, signes, or gestures, while the Court of
Justice is sitting, upon pain of death.

Receiving of
Run-awayes.

V II. No inhabitant of City, Town, or Countrey,
shall presume to receive any Souldier into his service,
or conceal, or use means to convey such Run-awayes,
but shall apprehend all such, and deliver them to the
Provost-Marshal.

Detecting of
offenders.

V III. All Captains, Officers, and Souldiers, shall do
their endeavours to detect, apprehend, and bring to pu-
nishment all offenders, and shall assist the Officers of the
Army for that purpose, as they will answer their slack-
nesse in the Marshalls Court.


Offences
whatsoever
to be punish-
ed by the
Laws of War.

V IX. All other fautes, disorders, and offences not
mentioned in these Articles, shall be punished accord-
ing to the generall Customs and Laws of War.

And to the end that these Laws and Ordinances be
made more publike and known, as well to the Officers,
as to the common Souldiers, every Colonell and Cap-
tain is to provide some of these Books. And within a
short time after that the Army shall come to the gene-
rall Rendevouz, these Laws in every severall Regiment,
in the presence of all the Officers, are plainly and di-
stinctly to be read by the Marshalls of the severall Re-
giments, assisted by the Marshall Generall, in the horse
Quarters by sound of Trumpet; and amongst the Foot
by beat of Drum: And weekly afterwards, upon the
pay day, every Captain is to cause the same to be read to
his own Company, in presence of his Officers. And al-
so upon every main Guard, the Captain is to do the like,
that none may be ignorant of the Laws and Duties
required.

By

By vertue of the Authority given me by
the Ordinance of the Lords and Com-
mons in Parliament, I command these
Ordinances to be observed and obeyed in
the Army: And by these Presents give
order that the same shall be forthwith
printed and published.

 Given under my
Hand,

ESSEX.

C.

A.

A
DECLARATION

Of the Lords and Commons
assembled in Parliament :
Concerning the great Inconveniences
in His Excellencies Army.

WHereas it is found, That great
inconveniences have ensued, for
want of a strict and severe Discipline,
to have been observed in the Army
now raised by Authority of Parlia-
ment, under the Command of Robert
Earl of Essex; And for that the Laws
and Ordinances by him set forth for
the Government of the said Army,
have not been put in execution : It is
now Ordained and Declared by the
Lords and Commons in Parliament
assembled, That from henceforth
the

the Officers and Souldiers of the said Army may not expect any further forbearance of such punishments to be inflicted on them for any their offences, as shall be due unto them by the said Laws and Ordinances ; But that the Lord Generall may and ought to punish them by death, or otherwise, according to their demerits.

Ordered by the Lords and Commons in Parliament, That this Declaration be forthwith printed and published.

Hen. Elsyng, Cler. Parl. D. Com.



FINIS.

